

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNIVAC DENTAL COMPANY,	:	CIVIL ACTION NO. 1:07-CV-0493
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
DENTSPLY INTERNATIONAL, INC.,	:	
	:	
Defendant	:	

LACTONA CORPORATION,	:	CIVIL ACTION NO. 1:07-CV-0774
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
DENTSPLY INTERNATIONAL, INC.,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 14th day of March, 2008, upon consideration of defendant's motions to consolidate the above-captioned matters (Civil Action No. 1:07-CV-0493, Doc. 30; Civil Action No. 1:07-CV-0774, Doc. 25), and of defendant's counterclaim in interpleader asserted against Univac Dental Company ("Univac") and crossclaim in interpleader against Lactona Corporation ("Lactona") (Civil Action No. 1:07-CV-0493, Doc. 25), filed in the case captioned Univac Dental Company v. Dentsply International, Inc., and it appearing that the above-captioned actions involve the same defendant, arise from the same underlying events and involve common

questions of fact and law,¹ see FED. R. CIV. P. 42(a), and that Univac concedes that the cases should at a minimum be consolidated for discovery purposes due to the similarity of the claims presented, (see Civil Action No. 1:07-CV-0493, Doc. 41 at 2), and it further appearing that after consolidation Univac and Lactona will be co-plaintiffs, and that Univac has not heretofore asserted any claim against Lactona, and that therefore the crossclaim between Dentsply International, Inc. (“Dentsply”) and Lactona is properly styled a counterclaim, it is hereby ORDERED that:

1. The motions to consolidate (Civil Action No. 1:07-CV-0493, Doc. 30; Civil Action No. 1:07-CV-0774, Doc. 25) are GRANTED.
 - a. The above-captioned cases are CONSOLIDATED for all purposes.
 - b. The Clerk of Court is directed to CONSOLIDATE the case docketed as Civil Action No. 1:07-CV-0774 into the case docketed as Civil Action No. 1:07-CV-0493 and to CLOSE the case docketed as Civil Action No. 1:07-CV-0774.
2. All future documents filed in this consolidated case shall be filed under the case docketed as Civil Action No. 1:07-CV-0493.
3. Defendant’s counterclaim and crossclaim in the nature of interpleader (Civil Action No. 1:07-CV-0493, Doc. 25) is CONSTRUED as a counterclaim in the nature of interpleader filed by counterclaim plaintiff Dentsply against Univac and Lactona as counterclaim defendants. The clerk of court is directed to AMEND the docket annotation of the counterclaim to read: “Counterclaim in Interpleader against Univac Dental Company and Lactona Corporation.” Univac is

¹The complaints filed by Univac and Lactona allege similar antitrust injuries arising from Dentsply’s attempts to compel its dealers to cease offering Univac and Lactona product lines. Both complaints cite the same transactions between Dentsply and its dealers in support of plaintiffs’ right to relief. (Civil Action No. 1:07-CV-0493, Doc. 1 ¶¶ 29, 32-33; Civil Action No. 1:07-CV-0774, Doc. 1 ¶¶ 17-19).

instructed to respond to the counterclaim, on or before April 7, 2008,
in accordance with Rule 12 of the Federal Rules of Civil Procedure.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge